

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:12-cv-382-RJC**

**GERALD MCCOMBS,**

**Plaintiff,**

v.

**JACKIE PARKER, DEXTER  
GIBBS, CHRISTOPHER  
NIVENS, BRET BULLIS,  
MIKE SLAGLE,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court on an initial review of Plaintiff's pro se complaint which was filed pursuant to 42 U.S.C. § 1983. (Doc. No. 1).

At the time he filed his complaint, Plaintiff was a North Carolina prisoner housed at Mountain View Correctional Institution, within the Western District. However, Plaintiff filed his complaint in the Eastern District of North Carolina along with an application to proceed in forma pauperis. The district court transferred the case to this Court on the basis of venue after noting the allegations are set in this district. (Doc. No. 3).


On December 3, 2012, the Clerk of Court entered an order for production of Plaintiff's prisoner trust account however no trust account has been submitted to the Court. According to the website of the North Carolina Department of Public Safety, and Plaintiff's notice of change of address, (Doc. No. 7), Plaintiff was released from State custody in May 2013, and is currently residing in Charlotte. There is no evidence that Plaintiff has paid any money towards, what was then, the \$350 filing fee for this civil action. The Court will therefore order that Plaintiff

complete an application to proceed in forma pauperis for review before the Court proceeds further. The Court warns that failure to return the completed application, signed under penalty of perjury, within 14-days from entry of this Order may result in dismissal of this action without prejudice, and without further notice.

**IT IS, THEREFORE, ORDERED** that Plaintiff shall complete an application to proceed in forma pauperis and return it to the Court within 14-days from entry of this Order. Plaintiff is warned that failure to do so may result in dismissal of his civil action without further notice.

The Clerk of Court is directed to mail a copy of the application to proceed in forma pauperis along with a copy of this Order to Plaintiff's last known address.

Signed: December 3, 2013

  
Robert J. Conrad, Jr.  
United States District Judge

